

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DARLENE JACKSON,	:	
	:	
Plaintiff,	:	CIVIL DIVISION
	:	
v.	:	NO.: 05-33 (Erie)
	:	
WAL-MART STORES, INC.,	:	
	:	
Defendant.	:	Electronically Filed

**MOTION FOR SUMMARY JUDGMENT
OF DEFENDANT WAL-MART STORES, INC.**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, defendant Wal-Mart Stores, Inc. (“Wal-Mart”), by its undersigned attorneys, hereby moves for summary judgment on all counts of the Complaint. Wal-Mart bases its motion on the arguments set forth in the accompanying memorandum of law.

Respectfully submitted,

Dated: January 13, 2006

s/David S. Fryman
David S. Fryman
Lorena E. Ahumada
Attorney I.D. Nos.: 57623 & 91630

Attorneys for Defendant
Wal-Mart Stores, Inc.

OF COUNSEL:
Ballard Spahr Andrews & Ingersoll, LLP
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Philadelphia, PA 19103
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CERTIFICATE OF SERVICE

I, David S. Fryman, hereby certify that on this 13th day of January, 2006, a true and correct copy of the foregoing Motion for Summary Judgment and accompanying memorandum of law of Defendant Wal-Mart Stores, Inc. were filed electronically and are available for viewing and downloading from the ECF system. I further certify that I caused a true and correct copy of the same to be served via Federal Express, overnight mail, upon the following:

Sean P. Duff, Esquire
Patberg, Carmody, Ging & Filippi
527 Court Place
Pittsburgh, PA 15219

Dated: January 13, 2006

s/David S. Fryman
David S. Fryman